

FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12854

T. MUELLER,

Plaintiff-Appellant,

versus

WALMART CORPORATION,
BRANDON ZACHARY BURSTON,

Defendants-Appellees,

JOHN DOE, et al.,

Defendants.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:21-cv-04273-VMC

Before JORDAN, JILL PRYOR, and NEWSOM, Circuit Judges.

NEWSOM, Circuit Judge:

This case principally concerns the rules governing district courts’ exercise of so-called “supplemental jurisdiction.” In particular, we must decide whether and under what circumstances a district court, having dismissed all federal-law claims in a case before it, may proceed to exercise supplemental jurisdiction over some but not all of the remaining state-law claims.

Todd Mueller sued Walmart and one of its employees, alleging that they violated two federal civil-rights statutes, 42 U.S.C. §§ 1981 and 1982, as well as state law on various grounds—false arrest, false imprisonment, malicious prosecution, assault, and battery. The district court (1) found that Mueller had conceded and thus abandoned his §§ 1981 and 1982 claims, and accordingly dismissed them; (2) exercised supplemental jurisdiction over and granted summary judgment on Mueller’s false-arrest, false-imprisonment, and malicious-prosecution claims; and (3) declined to exercise supplemental jurisdiction over Mueller’s assault and battery claims. On appeal, Mueller contends that the district court abused its discretion in exercising supplemental jurisdiction over only some of his state-law claims, rather than all or none of them, and erred in granting summary judgment on his malicious-prosecution claim.

For reasons we will explain, we hold that the district court acted within its broad discretion in exercising supplemental jurisdiction over some but not all of the remaining state-law claims. We also conclude, though, that the court should not have rejected

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Mueller's malicious-prosecution claim at summary judgment. Accordingly, we affirm in part, reverse in part, and remand for further proceedings consistent with this opinion.

I

A

While Todd Mueller was shopping at a Walmart in Duluth, Georgia, a store employee, Brandon Burston, suspected him of shoplifting and proceeded to surveil him. After Mueller checked out, Burston and another Walmart associate, Clifton Moore, approached and asked him to join them in an office. The parties dispute what happened next. At a minimum, though, we know this much: Mueller turned back into the store and exited through a rear entrance. Moore called the police, and Mueller fled.

The police successfully pursued Mueller, tased him, and arrested him for obstruction of justice. Burston later submitted to the Magistrate Court of Gwinnett County a sworn arrest-warrant application for theft by shoplifting, which the court promptly issued. In the meantime, Mueller pursued his own claims with the police against Burston and Moore for assault. A detective investigated Mueller's statement but couldn't substantiate it. Accordingly, an additional arrest warrant was issued against Mueller for filing a false police report. When Mueller later returned to the same Walmart, police arrested him on the outstanding false-police-report warrant.

All told, Mueller faced three charges: (1) obstruction of justice, (2) shoplifting, and (3) filing a false police report. The district

attorney's office served Mueller with a Notice of Intent Not to Prosecute with respect to the false-police-report charge. Mueller and the prosecutor negotiated a plea on the obstruction count in return for a one-year probationary sentence, and the prosecutor simultaneously dropped the shoplifting charge.

The parties dispute whether and to what extent the obstruction and shoplifting charges and their dispositions are linked—and in particular, whether the latter was dismissed in connection with the plea agreement. Mueller stated in a declaration that he entered the plea “exclusively in exchange for [the probationary] sentencing recommendation,” and that, unrelatedly, “the District Attorney’s Office unilaterally had decided not [to] pursue the [f]elony shoplifting case at that time because they were not prepared for trial which was scheduled the same day.” Br. of Appellant at 40 n.2. By contrast, as proof that the obstruction and shoplifting charges were resolved as part of a single compromise, Walmart and Burston emphasize that the two were presented side-by-side in the charging document and that Mueller’s counsel discussed them in tandem at the plea hearing. *See* Br. of Appellee at 18–21.

B

Initially proceeding pro se, Mueller sued Walmart and Burston in federal district court, raising federal-law claims under 42 U.S.C. §§ 1981 and 1982, as well as state-law claims for negligence,

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negligent hiring, false arrest, false imprisonment, malicious prosecution, assault, and battery.¹ Walmart and Burston moved for summary judgment. In response, Mueller conceded and therefore abandoned his only two federal claims, and the district court dismissed them. The district court also denied Mueller's motion to amend his operative complaint to substitute a claim under 42 U.S.C. § 1983. The court then turned to Mueller's state-law claims, disposing of them as follows:

- **Negligence and negligent hiring:** The district court held that Muller had abandoned his negligence-based claims.² Summ. J. Order at 11–12, Dkt. No. 95.
- **False arrest and false imprisonment:** The district court granted summary judgment to Walmart and Burston on the ground that Mueller had been neither detained nor arrested for shoplifting by Walmart employees. Instead, he was arrested for obstruction of justice only after he left the store. *Id.* at 13–14. That fact foreclosed Mueller's claims, because, the court observed, Georgia law distinguishes “cases where a party directly or indirectly urges a law enforcement official to begin criminal proceedings [from] cases where a party merely relays facts to an official who then makes an independent decision to arrest or

¹ Mueller initially sued Moore, as well, but the district court dismissed Moore as a party when Mueller failed to serve him after obtaining leave to do so. Mueller doesn't contest that dismissal on appeal.

² Mueller does not appeal that decision.

prosecute.” *Id.* at 14 (quoting *Smith v. Walmart Stores E., LP*, 765 S.E.2d 518, 523 (Ga. Ct. App. 2014)).

- **Malicious prosecution:** The district court granted summary judgment to Walmart and Burston on the ground that the shoplifting charge—which underlies Mueller’s malicious-prosecution claim—was dropped in connection with the same plea agreement that covered the obstruction charge. *See id.* at 14–19. That fact foreclosed Mueller’s claim because under Georgia law, a malicious-prosecution plaintiff must demonstrate that the underlying charge was “terminated favorably” to him, *id.* at 14–15 (quoting *Sheffield v. Futch*, 839 S.E.2d 294, 301 (Ga. Ct. App. 2020)), which he can’t do if the charge was resolved as part of a plea or compromise, *see id.* at 15 (citing *Garner v. Heilig-Meyers Furniture Co.*, 525 S.E.2d 145, 147 (Ga. Ct. App. 1999)).
- **Assault and battery:** The district court declined to exercise supplemental jurisdiction and, finding that it had no independent basis for original jurisdiction (*e.g.*, diversity of citizenship), dismissed these claims. *Id.* at 19–20 (citing 28 U.S.C. § 1367(c)(3)). In so doing, the court noted that the claims were “bitterly dispute[d],” particularly with respect to the credibility of Mueller’s testimony. *Id.*

The upshot: Having dismissed Mueller’s only claims that provided an independent basis for exercising original jurisdiction—the federal-question §§ 1981 and 1982 claims—the district court

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opted to (1) exercise supplemental jurisdiction over Mueller’s false-arrest, false-imprisonment, and malicious-prosecution claims, deciding them in Walmart and Burston’s favor, and (2) decline supplemental jurisdiction over Mueller’s assault and battery claims.

Through appointed counsel, Mueller raises two issues on appeal. First, he contends that the district court abused its discretion by exercising supplemental jurisdiction over some of the state-law claims but declining jurisdiction over others. Second, he argues that the district court erred in granting summary judgment on his malicious-prosecution claim.

II

The most salient question presented is whether, having dismissed Mueller’s federal claims, the district court abused its discretion by exercising jurisdiction over his state law false-arrest, false-imprisonment, and malicious-prosecution claims but not his assault or battery claims. Mueller insists that the district court erred for two reasons. First, and more broadly, he contends that absent extenuating circumstances that don’t exist here, a district court *per se* abuses its discretion when, after dismissing all federal claims, it exercises supplemental jurisdiction over some state-law claims but not others. *See* Br. of Appellant at 19–22. Second, and more narrowly, Mueller contends that the “balance” of the relevant “factors” required the district court to dismiss all the state-law claims—and that, in any event, the court erred by failing to more clearly explain its assessment of those factors. *Id.* at 17–19. For reasons we’ll get into, we disagree on both scores. Accordingly, we hold

that the district court did not abuse its discretion by exercising supplemental jurisdiction over some but not all of Mueller’s state-law claims.

A

At the outset, a bit of background—about the governing statutory language and the applicable standard of review.

First, the text. The rules governing federal courts’ exercise of “supplemental jurisdiction” are codified in 28 U.S.C. § 1367. For present purposes, two subsections are relevant. Subsection (a) states that

[e]xcept as provided in subsections (b) and (c) or as expressly provided otherwise by Federal statute, in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy

28 U.S.C. § 1367(a). Subsection (c), in turn, provides that a district court “may decline to exercise supplemental jurisdiction over a claim under subsection (a)” in any of four instances, the third of which is particularly pertinent here:

(1) the claim raises a novel or complex issue of State law,

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(2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction,

(3) the district court has dismissed all claims over which it has original jurisdiction, or

(4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.

Id. § 1367(c).

Next, the standard of review. A district court’s decision to exercise or decline supplemental jurisdiction over a state-law claim is reviewed only for abuse of discretion. *See Ameritox, Ltd. v. Millennium Lab’ys, Inc.*, 803 F.3d 518, 532 (11th Cir. 2015) (retaining jurisdiction); *Silas v. Sheriff of Broward Cnty.*, 55 F.4th 863, 865 (11th Cir. 2022) (declining jurisdiction). “A district court does not abuse its discretion when it has a range of choices and the court’s choice does not constitute a clear error of judgment.” *Estate of Amergi ex. rel. Amergi v. Palestinian Auth.*, 611 F.3d 1350, 1365 (11th Cir. 2010) (quotation omitted).

Giving district courts latitude to exercise or decline supplemental jurisdiction comports with the statutory text, longstanding judicial policy, and common sense. For starters, as just noted, § 1367(c) provides that a district court “may” decline to exercise supplemental jurisdiction if any of several circumstances obtains. 28 U.S.C. § 1367(c). Moreover, long before Congress codified the rules governing supplemental jurisdiction in 1990, the Supreme

Court had referred to what it then called “pendent jurisdiction” as embodying a “doctrine of discretion” that entailed a balancing of various practical considerations. *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 726 (1966). And finally, there’s this important practical point: While not precisely identical, the “wide discretion” given to a district court to make supplemental-jurisdiction determinations, *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 353 (1988), *superseded by statute on other grounds*, Judicial Improvements Act of 1990, PL 101-650, 104 Stat. 5089, 5113, *as recognized in Royal Canin U.S.A., Inc. v. Wullschleger*, 604 U.S. 22, 41 (2025), coheres with the “broad discretion” that a district court “is allowed . . . to manage its own docket,” *United States v. McCutcheon*, 86 F.3d 187, 190 (11th Cir. 1996). In both circumstances, the court must weigh multiple case-specific considerations “with a view toward [the matter’s] efficient and expedient resolution.” *Dietz v. Bouldin*, 579 U.S. 40, 47 (2016). Bottom line: The applicable abuse-of-discretion standard reflects the indisputable fact that district courts are in the best position to determine how best to proceed with the cases before them.

Now, to be sure, a district court’s discretion is neither unbounded nor unmoored. The Supreme Court has held that in deciding whether to exercise or decline supplemental jurisdiction over a state-law claim, the court must account for several relevant considerations—most notably, “judicial economy, convenience, fairness, and comity.” *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997) (quoting *Cohill*, 484 U.S. at 350). And we’ve also said that the “balance of factors” will *usually* “point toward declining to exercise” supplemental jurisdiction “after the federal

claims that supported its jurisdiction are dismissed.” *Silas*, 55 F.4th at 866 (quoting *Cohill*, 484 U.S. at 350 n.7). Importantly, though, that’s not “a mandatory rule to be applied inflexibly in all cases”—just a “recogni[tion]” that the factors may well tilt against jurisdiction in that circumstance. *Cohill*, 484 U.S. at 350 n.7. In all events, district courts retain ample discretion to meet the needs of the cases before them. So to repeat, supplemental jurisdiction is very much a “doctrine of flexibility.” *Silas*, 55 F.4th at 866 (quoting *Ameritox*, 803 F.3d at 530).

B

When Mueller abandoned his two federal claims and the district court dismissed them, the court lost the sole basis for “original jurisdiction” over the case. 28 U.S.C. § 1367(a).³ Faced with seven remaining state-law claims, the district court opted to exercise supplemental jurisdiction over several of them but to dismiss others. Mueller argues at the outset that this “split exercise of jurisdiction” was a per se abuse of discretion. Reply Br. of Appellant at 12.⁴

³ As the district court correctly observed, see Summ. J. Order at 20, Dkt. No. 95, it couldn’t have exercised diversity jurisdiction over any of the state-law claims because both Mueller and Burston were Georgia citizens. See 28 U.S.C. § 1332(a)(1); *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 89 (2005) (requiring complete diversity).

⁴ Mueller acknowledges that there might exist a few carveouts to a no-split rule—an expired statute of limitations, a substantial sunk cost, or a state claim that either falls with a federal claim or is patently frivolous on its face. See Br. of Appellant at 21–22 (citing *Wright v. Associated Ins. Cos.*, 29 F.3d 1244, 1251–52 (7th Cir. 1994)). But he contends that the false-arrest, false-imprisonment,

We find no basis for so rigid a rule in either statutory text or existing precedent. Quite the opposite. On balance, § 1367’s language seems to contemplate (if not quite expressly authorize) the very claim-by-claim assessment that the district court here made. Our own precedent confirms that district courts enjoy ample leeway to make supplemental-jurisdiction determinations. And our sister circuits that have addressed the issue head on have uniformly held that district courts can act on a claim-by-claim basis.

First, and most importantly, there’s the text. Notably, § 1367 uses both singular and plural terminology in ways that we think are telling. As already noted, subsection (a) states that except as provided elsewhere—most significantly here, in subsection (c)—in any case in which a district court has original jurisdiction, it shall have supplemental jurisdiction over “all other *claims*” (plural) that are so related to the original-jurisdiction claims that “*they*” (plural) form part of the same Article III case or controversy, and goes on to clarify that such supplemental jurisdiction extends to “*claims*” (plural) that require the joinder of additional parties. 28 U.S.C. § 1367(a) (emphasis added). Clearly, therefore, subsection (a) envisions that a district court might well have supplemental jurisdiction over multiple “claims.”

Subsection (c)’s phrasing—and in particular, its conspicuous use of the singular term “claim” where it matters—strongly indi-

and malicious-prosecution claims are sufficiently debatable to survive that they don’t qualify under any of those exceptions. *See id.* at 25–27.

cates that, in determining whether to exercise or decline supplemental jurisdiction, a court may act on a claim-by-claim basis. As already noted, subsection (c) states that the district court may decline to exercise supplemental jurisdiction over “*a claim*” (singular) in any of several instances—most notably, (1) where “*the claim*” (singular) raises a novel state-law issue, (2) where “*the claim*” (singular) “substantially predominates over the claim or claims over which the district court ha[d] original jurisdiction,” and (3) where the district court has dismissed “all claims” (notably plural, harkening back to subsection (a)) over which it had original jurisdiction. *Id.* § 1367(c).

The juxtaposition, we think, is both clear and instructive: Subsection (a) contemplates that a district court may well have supplemental jurisdiction over multiple state-law “claims”; subsection (c), in turn, empowers the court to decline to exercise that jurisdiction over any individual “claim.”

Second, there’s our own precedent. To be sure, we’ve never squarely decided the question whether a district court may “split” (to use Mueller’s term) its supplemental-jurisdiction determination—exercising jurisdiction over some state-law claims while declining jurisdiction over others.⁵ As already noted, though, we

⁵ In one unpublished opinion, we held that the district court “did not abuse its discretion by exercising supplemental jurisdiction over [a plaintiff’s] breach of contract claim but remanding the remaining state law claims.” *Browning v. Bay Radiology Associates*, No. 23-13842, 2024 WL 3200472, at *4 (11th Cir. June 27, 2024).

have emphasized that supplemental jurisdiction is a “doctrine of flexibility” and that in exercising its discretion over supplemental-jurisdiction matters, the district court must “sensibly accommodate[] a range of concerns and values.” *Silas*, 55 F.4th at 866 (quoting *Ameritox*, 803 F.3d at 530). Imposing a rigid rule that requires a district court to deal with state-law claims en masse, as an undifferentiated whole, would scuttle that flexibility. Under an all-or-nothing approach, a district court, having determined that the balance of factors cut one way with respect to some claims and the other way with respect to others, would then have to embark on one of two undesirable courses: either dismiss claims it thinks it should keep or keep claims it thinks it should dismiss. That’s the opposite of the flexibility we have recognized and promised.⁶

Finally, we note that in rejecting an all-or-nothing approach and permitting district courts to make supplemental-jurisdiction

⁶ Again, to be fair, Mueller’s proposed rule allows for three carveouts that add a bit of nuance. See *supra* note 4. But those carveouts can hardly be said to confer additional discretion on the district court. If anything, they do the opposite. By asking us to determine, categorically, whether the district court has already expended considerable resources on an issue or whether a given state-law claim is largely decided by an already-resolved federal-law claim, Mueller would replace a flexible balancing test with a rule-bound framework that permits appellate override when certain elements are present. Neither § 1367 nor *Wright*, the Seventh Circuit case Mueller cites in support of this proposition, demands such a rigid approach. If anything, the latter doubles down on using a “balance of factors,” merely observing that in certain “unusual” cases (*i.e.*, what Mueller takes to be carveouts) the factors “point” toward an exercise of federal jurisdiction. *Wright*, 29 F.3d at 1251.

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determinations on a claim-by-claim basis, we follow the unanimous consensus of our sister circuits that have addressed the issue. See *Figueroa v. Buccaneer Hotel Inc.*, 188 F.3d 172 (3d Cir. 1999); *Southerland v. Hardaway Mgmt. Co.*, 41 F.3d 250, 256–57 (6th Cir. 1994); *Nieler v. Bd. of Cnty. Comm’rs*, 582 F.3d 1155, 1172 (10th Cir. 2009).

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For these reasons, we hold that § 1367(c) does not entail any per se prohibition that disables a district court from exercising supplemental jurisdiction over some claims while declining jurisdiction over others.

C

Mueller separately—and more narrowly—contends that in the particular circumstances of this case, the district court abused its discretion by exercising jurisdiction over some of his state-law claims but not others. Mueller makes two arguments, which we will address in turn.

1

First, Mueller says that the “balance” of the relevant “factors” required the district court to dismiss all the state-law claims. Br. of Appellant at 17–19. We agree with Mueller that in making its supplemental-jurisdiction determination the district court was obliged to “consider and weigh . . . the values of judicial economy, convenience, fairness, and comity.” *Int’l Coll. of Surgeons*, 522 U.S. at 173 (quoting *Cohill*, 484 U.S. at 350). But giving the district court

the deference its due, we cannot agree that it abused its discretion in so doing.

As a reminder, the district court retained jurisdiction over Mueller’s false-arrest, false-imprisonment, and malicious-prosecution claims, but dismissed his assault and battery claims. Although the district court didn’t explain its decision to retain jurisdiction over the three claims it kept—more on that shortly—it disposed of them in the same order in which it dismissed the federal claims. *See* Summ. J. Order, Dkt. No. 95. In other words, the court retained jurisdiction of those claims only as long as it took to reject them.

Reviewing the summary-judgment order, we can’t say that the district court abused its discretion by retaining jurisdiction over three of Mueller’s state-law claims and declining to exercise jurisdiction over the other two. By that point, the district court had reviewed the parties’ papers, and it seems to have had a clear sense of which claims it thought it could easily resolve. Mueller’s false-arrest and false-imprisonment claims, for instance, fell on the wrong side of the “line of demarcation” that Georgia law draws “between cases where a party directly or indirectly urges a law enforcement official to begin criminal proceedings” and those “where a party merely relays facts to an official who then makes an independent decision to arrest or prosecute.” Summ. J. Order at 14, Dkt. No. 95 (quoting *Smith*, 765 S.E.2d at 523). Mueller was eventually arrested, to be sure, but only after he left the Walmart, following an independent encounter with law enforcement, and on a charge related to an allegedly false police report. *See id.*

Mueller’s malicious-prosecution claim likewise failed, the district court held, because it lacked an essential element. In particular, the court concluded that Mueller’s shoplifting charge, which underlies his malicious-prosecution claim, was resolved as part of a plea agreement and, therefore, that Mueller couldn’t show that the shoplifting charge was “terminated favorably” to him, as required by Georgia law. *See id.* at 14–19. (We’ll unpack the details of the district court’s determination in that respect, which Mueller challenges on the merits, in Part III.)

By contrast, the district court didn’t think the assault and battery claims could be so easily decided. They were “bitterly dispute[d],” the court found, and they turned largely on Mueller’s credibility as a witness, so it left them for resolution in state court. *See id.* at 19–20.

Put simply, the district court decided the claims it thought it could resolve quickly, and declined to decide those it thought it couldn’t. The court concluded that the Georgia law governing the false-arrest, false-imprisonment, and malicious-prosecution claims was clear-cut in its articulation and application, and thus presented no knotty comity issues arising out of a “novel or complex question of state law” or significant expenditure of judicial resources. *Ameritox*, 803 F.3d at 540. The assault and battery claims, by contrast, required fact-bound judgments based on a mosaic of contested evidence. Faced with those circumstances, the court exercised its supplemental jurisdiction with respect to some but not all of Mueller’s state-law claims. In so doing, the court was comfortably

within the “range of choices” available to it. *Amergi*, 611 F.3d at 1365 (quoting *Vanderberg v. Donaldson*, 259 F.3d 1321, 1326 (11th Cir. 2001)).

2

Second, and separately, Mueller contends that the district court’s failure to explain its decision to retain jurisdiction over some of his state-law claims but decline it over others was itself an abuse of discretion. In short, we disagree. It is clear from the face of the district court’s order—from its reasoning and disposition—that it deemed some claims easy and others more difficult. Were we to fault the court for not stating more explicitly what is abundantly clear, we’d be impermissibly interfering with the “wide discretion” it enjoys to manage this aspect of its docket. *Cohill*, 484 U.S. at 353.⁷

⁷ Citing *Royal Canin U.S.A., Inc. v. Wullschleger*, 604 U.S. 22 (2025), Mueller also argues that a federal court loses jurisdiction whenever “no federal hook remains because of the plaintiff’s decision to eliminate federal claims from the lawsuit.” Reply Br. of Appellant at 4. That is incorrect. In *Royal Canin*, the Supreme Court held only that when a plaintiff amends his complaint to drop his federal claims, a federal court may not continue to adjudicate “the now purely state-law suit.” 604 U.S. at 25. That’s not what happened here. Mueller abandoned his federal claims in open court, and the district court accordingly dismissed them. Whereas the amendment of a complaint implicates § 1367(a)’s non-discretionary grant of jurisdiction—namely, by eliminating it—the mid-case dismissal of a claim implicates § 1367(c)(3) and “makes [] jurisdiction discretionary.” *Id.* at 33–34.

III

Separate and apart from the district court’s jurisdictional determination, Mueller contends that the court erred in granting summary judgment on his malicious-prosecution claim.⁸ Mueller insists that a reasonable jury could find that he was subjected to malicious prosecution in connection with his shoplifting charge because, he says, there is a genuine dispute of material fact about whether he obtained what we’ll call “favorable termination” of that charge. Although it’s close, we agree with Mueller.

Under Georgia law, a malicious-prosecution claim requires the plaintiff show that there was a “(1) prosecution for a criminal offense; (2) instigated without probable cause; (3) with malice; (4) under a valid warrant, accusation, or summons; (5) which has terminated favorably to the plaintiff; and (6) which has caused damage to the plaintiff.” *Sheffield*, 839 S.E.2d at 301 (quoting *McKissick v. S.O.A., Inc.*, 684 S.E.2d 24, 27 (Ga. Ct. App. 2009)). The dispute

⁸ “We review de novo the district court’s grant of summary judgment, drawing all reasonable inferences in the light most favorable to” the nonmoving party. *Bowen v. Manheim Remarketing, Inc.*, 882 F.3d 1358, 1362 (11th Cir. 2018) (citation modified). Summary judgment may be granted only if “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). “A genuine issue of material fact exists ‘if the evidence is such that a reasonable jury could return a verdict for the nonmoving party.’” *Edmondson v. Velvet Lifestyles, LLC*, 43 F.4th 1153, 1159 (11th Cir. 2022) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)).

here is over the fifth element—“favorable termination.” Importantly for present purposes, the favorable-termination element is satisfied—and a malicious-prosecution claim may proceed—when the government “voluntarily abandon[s]” the charge in question, *Laster v. Star Rental, Inc.*, 353 S.E.2d 37, 38 (Ga. Ct. App. 1987), but not when the prosecution is “terminated because of a compromise and agreement of the parties,” *Garner*, 525 S.E.2d at 147.

Here, all agree that Mueller entered into a compromise on the obstruction charge—in return for a plea, he received a 12-month probationary sentence. See Final Disposition, Dkt. No. 76-26. The government also entered a “[n]olle [p]ros” (essentially a decision not to continue prosecution) on the shoplifting charge. See *id.* The question for us is whether the government entered the nolle pros because it voluntarily abandoned the shoplifting charge, or because the nolle pros was part of a package deal that included Mueller’s negotiated plea on the obstruction charge. If the government unilaterally abandoned the shoplifting charge, then perhaps a malicious-prosecution claim could succeed. But if it was related to Mueller’s plea agreement, then the claim fails *ipso facto*.

Although it’s a close call, when we examine the record in the light most favorable to Mueller, we hold that the evidence is sufficient to permit a reasonable jury to conclude that the decision to drop the shoplifting charge was made independently of the plea agreement. First, at his deposition, Mueller testified that at least “as [he] understood it,” his plea agreement wasn’t related to the district attorney’s decision to nolle pros the shoplifting charge. See

Mueller Dep. at 38, Dkt. No. 76-16. Second, and similarly, in a sworn declaration, Mueller said that it was his “express understanding” that “the District Attorney’s Office unilaterally had decided not to pursue the Felony shoplifting case at that time because they were not prepared for trial which was scheduled the same day” Mueller Decl. ¶ 18, Dkt. No. 82; *see United States v. Stein*, 881 F.3d 853, 858–59 (11th Cir. 2018) (en banc) (“A non-conclusory affidavit which complies with Rule 56 can create a genuine dispute concerning an issue of material fact, even if it is self-serving and/or uncorroborated.”). Third, neither at the plea hearing on Mueller’s obstruction charge nor in the final disposition of that charge did the trial judge document or mention any connection between Mueller’s nolo plea and the government’s decision to drop the shoplifting charge. *See* Tr. of Guilty Plea Hr’g at 1-9, Dkt. No. 76-25; Final Disposition, Dkt. No. 76-26. We think that this evidence, taken together, is sufficient to permit a reasonable jury to conclude that the nolle pros was independent of the plea agreement.

To be sure, Walmart has marshaled some evidence to the contrary. At the plea hearing, for instance, Mueller’s counsel discussed the obstruction and shoplifting charges in tandem: “For just . . . shoplifting and obstruction there’s a lot of pieces and parts to it, but the State’s been pretty fair and wants to resolve it. We ask the Court to accept the terms as negotiated” Tr. of Guilty Plea Hr’g at 8, Dkt. No. 76-25. And even though it doesn’t expressly link them, the final-disposition document does seem to *cover* both charges—suggesting, at least, that both were resolved in the same

instrument at the same time. Each of these datapoints may well persuade a jury that a deal existed.

At the summary-judgment stage, though, we needn't—and therefore don't—weigh the evidence. We conclude only that there is *enough* evidence on both sides to permit a reasonable jury to find that Mueller has satisfied the favorable-termination element and, in turn, made out a *prima facie* case for malicious prosecution. Accordingly, we reverse the district court's grant of summary judgment.

IV

The district court did not abuse its discretion in exercising supplemental jurisdiction over the false-arrest, false-imprisonment, and malicious-prosecution claims, while declining supplemental jurisdiction over the assault and battery claims. But the district court erred in granting summary judgment on Mueller's malicious-prosecution claim. Accordingly, we **AFFIRM** the district court's jurisdictional determination, but we **REVERSE** its grant of summary judgment and **REMAND** for further proceedings.